



Michael R. Pence
Governor

William C. VanNess II, MD
State Health Commissioner

CERTIFIED MAIL
#7002-2410-0000-1701-6555

September 24, 2014

H. J. Kim, Sr. Vice President
Sushi Avenue, Inc.
895 Blue Gentian Road, Suite 6
Eagan, MN 55121

RE: Variance Request # 722014

The variance application received on May 20, 2014 has been reviewed, evaluated and a letter requesting more information was sent to you on July 8, 2014 with a response time of 30 days. As of this date, there has been no further information from you and therefore the variance request is hereby **denied** because it violates Indiana Code 16-19-3-4.3 by not establishing a good cause. As a result, sushi rice served at your facility must meet the requirements stated in Indiana State Department of Health (ISDH) Rule, 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements". Please refer to the attached letter previously sent detailing the information that was requested.

If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §40-21.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:

- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.



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essential public health services.

Your request for review or stay of effectiveness must be filed in writing and addressed to:

**Indiana State Department of Health
Attn: Court Administrator
Office of Legal Affairs
2 North Meridian Street, Section 3H
Indianapolis, Indiana 46204**

on or before October 14, 2014. If no request for review or stay of effectiveness is filed by October 14, 2014, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 24th DAY OF SEPTEMBER 2014.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY DENY A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

WILLIAM C. VAN NESS II, M.D.
STATE HEALTH COMMISSIONER

By: 

Judith Lovchik, PhD, D(ABMM)

Assistant Commissioner

Public Health Protection and Laboratory Services Commission

cc: ISDH Executive Board
ISDH Food Protection Staff
ISDH Office of Legal Affairs

Marion County Health Department